1	
NIELSEN MERKSAMER PARRINELLO	
MARGUERITE MARY LEONI (SBN 101696)	
JAMES W. CARSON (SBN 287001)	
San Rafael, CA 94901	
Email: mleoni@nmgovlaw.com	874
Email: cskinnell@nmgovlaw.com Email: jcarson@nmgovlaw.com	
Attorneys for [Proposed] Intervenor Peter Constant	İ.
JAMES P. LOUGH (SBN 91198)	
YANA L. RIDGE (SBN 306532)	
960 Canterbury Place, Suite 300	
TELEPHONE: (760) 743-1201 / FAX: (760) 743-	9926
Email: JPL@LFAP.COM	
Email: ASO@LFAP.COM Email: YLR@LFAP.COM	
Attorneys for [Proposed] Intervenors, Steven Haug California non-profit corporation.	and Silicon Valley Taxpayers Association, a
SUPERIOR COURT OF THE	STATE OF CALIFORNIA
COUNTY OF SA	ANTA CLARA
	CASE NO. 113-CV-245503
CALIFORNIA on the RELATION of SAN	
·	[PROPOSED] INTERVENORS' RESPONS TO OBJECTIONS BY SAN JOSE POLICE
Plaintiff, v.	OFFICER'S ASSOCIATION TO EVIDENCE PROFFERED BY
CITY OF SAN JOSE, and CITY COUNCIL OF	[PROPOSED] INTERVENORS IN
SAN JOSE,	SUPPORT OF APPLICATION TO INTERVENE
Defendants.	
	GROSS & LEONI, LLP MARGUERITE MARY LEONI (SBN 101696) CHRISTOPHER E. SKINNELL (SBN 227093) JAMES W. CARSON (SBN 287001) 2350 Kerner Blvd., Suite 250 San Rafael, CA 94901 TELEPHONE: (415) 389-6800 /FAX: (415) 388-6 Email: mleoni@nmgovlaw.com Email: cskinnell@nmgovlaw.com Email: jcarson@nmgovlaw.com Attorneys for [Proposed] Intervenor Peter Constant KENNETH H. LOUNSBERY (SBN 38055) JAMES P. LOUGH (SBN 91198) ALENA SHAMOS (SBN 216548) YANA L. RIDGE (SBN 306532) Lounsbery Ferguson Altona & Peak, LLP 960 Canterbury Place, Suite 300 Escondido, California 92025 TELEPHONE: (760) 743-1201 / FAX: (760) 743-Email: KHL@LFAP.COM Email: JPL@LFAP.COM Email: JPL@LFAP.COM Email: YLR@LFAP.COM Email: YLR@LFAP.COM Attorneys for [Proposed] Intervenors, Steven Haug California non-profit corporation. SUPERIOR COURT OF THE COUNTY OF SA THE PEOPLE OF THE STATE OF CALIFORNIA on the RELATION of SAN JOSE POLICE OFFICERS' ASSOCIATION, Plaintiff, V. CITY OF SAN JOSE, and CITY COUNCIL OF

Proposed Intervenors hereby respond to San Jose Police Officer's Association's objections to the Proposed Intervenors' evidence submitted in the Declarations of Peter Constant, Steven Haug, and Silicon Valley Taxpayers Association in Support of Proposed Intervenors' Application to Intervene.

The responses are made to each objection as follows:

MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
	Relevance (Evidence Code § 350) The present lawsuit seeks a determination of whether Measure B was permissibly placed on the ballot in the first place or whether doing so violated the Meyers-Milias-Brown Act ("MMBA"), Government Code section 3500 et seq. If it was not validly placed on the ballot, and because Constant is not covered by the MMBA, he can have no legally-cognizable interest in the outcome of this matter. As such, Constants' backing of Measure B is irrelevant. Lack of Foundation (Evidence Code § 400 et seq.) and Lack of Personal Knowledge (Evidence Code § 702) No foundation or stated basis for personal knowledge is provided for the statement.	This statement is relevant to Mr. Constant's interest in this litigation and settlement between the Parties. A judgment invalidating Measure B will directly harm Mr. Constant. Evid. Code §§ 210 and 350. This statement is based on Mr. Constant's personal knowledge, as a San Jose Councilmember. (Evid. Code §§ 403, 701 and 801.) This statement is also based on Mr. Constant's experience as set forth in paragraphs 1 through 9 of his Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.)	Overruled: Sustained Grounds:
	Improper Opinion (Evidence Code § 800 et seq.)		

	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
		The opinion or beliefs of Mr. Constant are inadmissible.		
	2. Constant Decl., ¶ 11: "As a principle architect and drafter of Measure B, I	Relevance (Evidence Code § 350)	This statement is relevant to Mr. Constant's interest in	Overruled:
	publicly supported the measure and campaigned	See objection above concerning the irrelevance of Mr. Constant's backing of	this litigation and settlement between the Parties. A judgment	□ Sustained
	vigorously for its passage. I conducted a number of town halls,	Measure B.	invalidating Measure B will directly harm Mr. Constant. Evid. Code	Grounds:
	debates, and media interviews in support of		§§ 210 and 350.	
***************************************	Measure B." 3. Constant Decl., ¶ 12: "On	Relevance (Evidence	This statement is	
	June 5, 2012, San Jose	Code § 350)	relevant to Mr. Constant's interest in	Overruled:
	voters – including the voters of District 1 whom	The present lawsuit seeks a determination of	this litigation and settlement between the	
	I represented overwhelmingly	whether Measure B was	Parties. A judgment	Sustained
	approved Measure B."	permissibly placed on the ballot in the first place or	invalidating Measure B will directly harm Mr.	
		whether doing so violated the Meyers-	Constant. Evid. Code §§ 210 and 350.	Grounds:
		Milias-Brown Act ("MMBA"), Government		
		Code section 3500 et seq. If it was not validly		200
		placed on the ballot, the voters' approval of Measure B was ultra		
		vires. As such, the passage of Measure B is irrelevant to this lawsuit.		
	4. Constant Decl. ¶ 13: "The	Relevance (Evidence	This statement is	
	development and passage of Measure B was one of	Code § 350)	relevant to Mr. Constant's interest in	Overruled:
	my key achievements as a City Councilmember. I	See objection above concerning the	this litigation and settlement between the	
	believe Measure B	irrelevance of Mr. Constant's backing of	Parties. A judgment invalidating Measure B	Sustained
	provides reforms necessary to ensure the	Measure B. Improper Opinion	will directly harm Mr. Constant. Evid. Code	Grounds:
Ш	City of San Jose meets its	(Evidence Code § 800 et	§§ 210 and 350.	Grounds:

,	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
1	to me personally as a	The enjagen or heliefe of	Testimony does not	
2	former San Jose police	The opinion or beliefs of Mr. Constant are	constitute a legal conclusion or an	
3	officer, by providing for the long term stability of	inadmissible.	improper opinion	
4	the retirement fund. For	Improper Legal Conclusion (Evidence	because it is in the form of an opinion that is	
5	example, Section 1511-A of Measure B	Code § 310 et seq.)	otherwise admissible. (Evid Code §§ 800 et	
6	discontinues the	Statements concerning the legal effect of	seq.; 310 et seq.)	
7	Supplemental Retiree	Measure B or its	This statement is based	
8	Benefit Reserve ("SRBR"), and returns its	invalidation are improper legal conclusions.	on Mr. Constant's personal knowledge, as	
	assets to the appropriate		a San Jose Councilmember. (Evid.	
9	retirement trust fund." It further provides that		Code §§ 403, 701 and	
10	"[a]ny supplemental The		801.) This statement is also	
11	SRBR was designed to allow the retirees to		based on Mr. Constant's	
12	benefit when the money		experience as set forth in paragraphs 1 through	
13	in the fund of the retirement system grows		9 of his Declaration in Support of Application	
14	because of superior		to Intervene. (Evid.	
15	investment. However, as recognized by all parties		Code §§ 720 and 801.)	
16	in <i>San Jose Police</i>			
17	Officers' Association v. City of San Jose, excess			
	earnings are not "free".			
18	"Skimming" excess assets when earnings are high			
19	and not returning funds in			
20	years in which the system has losses, does in fact			
21	have a cost to the system.	:		
22	(Statement of Decision in San Jose Police Officers'			
23	Association v. City of San			
24	Jose (and Consolidated Actions and Related			
25	Cross-Complaint), Santa			
26	Clara Superior Court No. 1-12-CV 225296, pp. 24-			
	25 ("Consolidated			
27	Cases").) I believe Section 1511-A increases			
28	the long term stability of			***************************************

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
2	the retirement fund.			
-	Nullification of Measure			
3	B would result in			
4	reinstatement of the			
1	SRBR, in my view, to the			
5	long term detriment of the retirement fund. I am			
	informed and believe that			
6	the City proposes in its			
7	settlement discussions			
_	with Relator that the			
8	SRBR will be replaced			
9	with a Guaranteed			
	Purchasing Power			
10	provision ("GPP") for all			
11	current and future Tier 1			
	retirees. The GPP is			
12	designed to maintain the			
13	monthly allowance for			
	Tier 1 retirees at 75% of			
14	purchasing power			
15	effective the date of the			
13	retiree's retirement. The			
16	GPP has the potential to eliminate the savings			
, ,	realized from the			
17	elimination of the SRBR			
18	as it has the potential to			
	drain the retirement fund			
19	as inflation rises. The			
20	City's own experts			
_	concluded the cost of the			
21	GPP would be significant			
22	if inflation returns at high			
l	levels. Unlike SRBR,			
23	under the proposed			
24	Settlement Framework, the City apparently could			
	not choose to not pay the			
25	GPP as inflation rises and			
26	the retirement fund			
	suffers the negative			
27	impacts. (City of San			
28	Jose Memorandum to the			,
	Honorable Mayor and			

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
_	City Council from		er nepa ten mandahin kelalah Kili Kili Kili Kili Kili Kili Kili Kil	
2	Jennifer Schembri and			
3	Jennifer A. Maguire,			
٦	dated July 24, 2015, p.			
4	39, Ex. 2 to RJN.)"			
5	Country Deal Class			
	5. Constant Decl., ¶ 14: "San Jose's regularly	Relevance (Evidence	This statement is	
6	scheduled general	Code § 350)	relevant to Mr. Constant's interest in	Overruled:
7	municipal election	See objection above	this litigation and	
	occurred in November	concerning the irrelevance of Mr.	settlement between the	
8	2014. I initiated a	Constant's backing of	Parties. A judgment	Sustained
9	campaign to run for the	Measure B. The support	invalidating Measure B	
_	office of Mayor in	or opposition of other	will directly harm Mr. Constant. Evid. Code	Grounds:
10	August of 2013, but	individuals regarding	§§ 210 and 350.	Ciounas.
11	because of a death in my	Measure B are equally irrelevant to the issue in		
	family, could not	this lawsuit.		
12	continue the campaign			
13	and closed my			
13	committee in March			
14	2014. Nevertheless, I followed the 2014			
15	Mayoral and City			
13	Council campaigns			
16	closely. Arguably, the			
17	dominant election issue			
1	in the mayoral race was			
18	pension reform. San			
	Jose's mayoral			
19	candidates were sharply			
20	divided on the issue.			
2,	Candidate Dave Cortese,			
21	backed by the City's unions, campaigned			
22	against Measure B.			
22	Conversely, then-city			
23	council member and			
24	current Mayor, Sam			
25	Liccardo, campaigned in			
25	favor of the measure,			
26	thereby earning him the			
2	support of much of the			
27	local business			
28	community. Sam Liccardo was elected			
	Liceatud was elected			

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
2	Mayor. I watched Mayor			5 1000 1000 MARK STRUKTER & \$15,000
3	Liccardo's March 5, 2016 State of the City			
	address online here:			
4	http://sanjose.granicus.			
5	com/ViewPublisher.php ?view id=51> in which			
6	Mayor Liccardo states at			
7	22:03: " and in			
,	November I will ask you			
8	to approve a ballot measure to secure the			
9	three billion dollars of			
10	savings in future pension			
	and retiree medical costs that we were able to			
11	reach through			
12	negotiations with our			
13	employees. Together we			
	can conclude the most extensive pension			
14	reform negotiated in any			
15	city in this state."			
16	6. Constant Decl., ¶ 15: "In	Relevance (Evidence	This statement is	П
17	2015, after my service as	Code § 350)	relevant to Mr.	Overruled:
18	a City Councilmember ended, I became a Senior	Mr. Constant's career	Constant's interest in	
18	Fellow at the Reason	path following his term	this litigation and settlement between the	
19	Foundation and Director	as a member of the San Jose City Council is	Parties. A judgment	Sustained
20	of the Pension Integrity	irrelevant to the issue in	invalidating Measure B will directly harm Mr.	
21	Project. The Reason Foundation produces	this lawsuit – i.e., whether Measure B was	Constant. Evid. Code	Grounds:
	public policy research	ever legally placed on the	§§ 210 and 350.	
22	that advances a free	ballot. Equally irrelevant to whether Measure B		
23	society. The Pension	was legally placed on the		
24	Integrity Project provides education, policy options,	ballot is Mr. Constant's belief that his reputation		
25	and actuarial analysis for	and credentials may be		
25	stakeholders to design	impacted by the fate of Measure B. Indeed,		
26	pension reform proposals. My credentials and	reputational interest		
27	effectiveness as a Senior	asserted by Constant is "too indirect and		
28	Fellow and Director at	insubstantial to be legally		
ر د د	the Reason Foundation	protectable." (Floyd v.		

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
2	are based in part on my	City of New York (2nd		
	key role in leading the	Cir. 2014) 770 F.3d 1051, 1060-61.)		
3	reforms adopted by Measure B. I have			
4	traveled throughout the			
5	country in my capacity as			
	a City Councilmember			
6	and now as a Senior Fellow and Director at			And the state of t
7	the Reason Foundation			
8	discussing my experience			
	in San Jose regarding			
9	Measure B and providing			
10	expertise, guidance, education, and			
11	recommendations to state			
	and local jurisdictions			
12	regarding pension reform. Attached hereto as			
13	Exhibit B is a true and			
14	correct copy of the list of			
	my speaking			
15	engagements related to Measure B and/or			
16	pension reform issues			
17	from 2011 to present."			
18			(72)	
19	7. Constant Decl., ¶16: "I have been directly	Relevance (Evidence Code § 350)	This statement is relevant to Mr.	□ Overruled:
20	involved in designing,	Manifestly the origin and	Constant's interest in	o romanou.
	drafting, and negotiating	fate of an Arizona ballot	this litigation and settlement between the	
21	a pension reform plan for	measure is irrelevant to this lawsuit regarding	Parties. Mr. Constant's	Sustained
22	the state of Arizona, which was passed with	Measure B.	involvement in Measure B was the key to his	
23	strong bipartisan support		effective work in	Grounds:
	in both the Arizona		Arizona. A judgment	
24	Senate and House of		invalidating Measure B will directly harm Mr.	
25	Representatives and was		Constant. Évid. Code	
26	signed by Arizona Governor Doug Ducey on		§§ 210 and 350.	
_	February 16, 2016. The			
27	plan will now go before			
28	Arizona voters on May			

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
2	17, 2016. Attached			
-	hereto as Exhibit C is a			
3	true and correct copy of a			
	newspaper article from			
4	the Arizona Republic			
5	published on February			
	17, 2016 discussing the			
6	passage of the pension			
7	reform proposal and			
,	identifying me as a "key			
8	participant in the			
	negotiations." The			
9	article is also available			
10	online at: 			
	m/story/news/arizona/pol			
11	itics/2016/02/16/arizona-			
12	pension-reform-signed-			
	gov-doug-ducey-but-			
13	voters-have-			
14	say/80471656/#>."			
		Relevance (Evidence	This statement is	
15	8. Constant Decl., ¶ 17: "My credentials based on	Code § 350)	relevant to Mr.	Overruled:
16	my involvement with	Manifestly the origin and	Constant's interest in	
	Measure B and its	fate of an Arizona ballot	this litigation and	
17	viability after being	measure is irrelevant to	settlement between the Parties. A judgment	□ Sustained
, ,	mostly sustained in the	this lawsuit regarding	invalidating Measure B	Sustained
18	Consolidated Cases were	Measure B. Mr.	will directly harm Mr.	
19	important to my	Constant's career path following his term as a	Constant. Evid. Code	Grounds:
	credibility and effective	member of the San Jose	§§ 210 and 350.	
20	work in Arizona. In fact,	City Council is irrelevant	This statement is based	
21	Measure B was so	to the issue in this	on Mr. Constant's	
1	important that I am	lawsuit – i.e., whether Measure B was ever	personal knowledge, as a San Jose	
22	informed and believe the	legally placed on the	Councilmember. (Evid.	
23	current president of the	ballot. Equally irrelevant	Code §§ 403, 701 and	
	SJPOA communicated	to whether Measure B	801.)	
24	with key Arizona	was legally placed on the	This statement is also	
25	stakeholders in an	ballot is Mr. Constant's belief that his reputation	based on Mr. Constant's	
23	attempt to undermine my	and credentials may be	experience as set forth	
26	negotiation efforts	impacted by the fate of	in paragraphs 1 through	
_	claiming Measure B had been a debacle rather	Measure B. Indeed,	9 of his Declaration in Support of Application	
27	than a successful reform	reputational interest	to Intervene. (Evid.	
28	campaign."	asserted by Constant is "too indirect and	Code §§ 720 and 801.)	
		too maneet and	L	

	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
2	TO.	insubstantial to be legally protectable." (Floyd v. City of New York (2nd Cir. 2014) 770 F.3d		
		1051, 1060-61.)		
5		Lack of Foundation (Evidence Code § 400 et seq.) and Lack of		
5		Personal Knowledge (Evidence Code § 702)		
3		Mr. Constant's speculation regarding the		
		actions of the SJPOA president are inadmissible.		
	9. Constant Decl., ¶ 18: "I believe there is a	Relevance (Evidence Code § 350)	This statement is relevant to Mr.	Overruled:
	substantial probability a court-imposed	Mr. Constant's career path following his term	Constant's interest in this litigation and	
	nullification of Measure B would harm my	as a member of the San Jose City Council is	settlement between the Parties. A judgment	Sustained
	reputation and integrity as a successful pension	irrelevant to the issue in this lawsuit – i.e.,	invalidating Measure B will directly harm Mr. Constant. Evid. Code	Grounds:
	reform professional advocate."	whether Measure B was ever legally placed on the ballot. Equally irrelevant	§§ 210 and 350. This statement is based	Grounus.
		to whether Measure B was legally placed on the	on Mr. Constant's personal knowledge, as	
		ballot is Mr. Constant's belief that his reputation	a San Jose Councilmember. (Evid.	
		and credentials may be impacted by the fate of	Code §§ 403, 701 and 801.)	
		Measure B. Indeed, reputational interest asserted by Constant is		
		"too indirect and insubstantial to be legally		
		protectable." (Floyd v. City of New York (2nd		
		Cir. 2014) 770 F.3d1051, 1060-61.)		
	10. Constant Decl., ¶ 19:		Testimony does not	
	"While I was aware the City was discussing a	Improper Opinion (Evidence Code § 800 et seq.)	constitute a legal conclusion or an	Overruled:
	settlement with the	The opinion or beliefs of	improper opinion because it is in the form	
11	SJPOA regarding the	Mr. Constant as to the	of an opinion that is	Sustained

	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
1	TO			
2	Measure B, it was	are improper and	(Evid Code §§ 800 et	
	uncertain whether that	inadmissible.	seq.; 310 et seq.)	C1
3	would occur because	Improper Legal	This statement is based	Grounds:
	other unions and retirees	Conclusion (Evidence	on Mr. Constant's	
4	affected by Measure B	Code § 310 et seq.)	personal knowledge, as a San Jose	
5	needed to agree to a	Statements concerning	Councilmember. (Evid.	
	settlement as well. I am	the legal significance of	Code §§ 403, 701 and	
6	informed and believe that	various events on this	801.)	
7	the City Council	litigation, as well as the status of this litigation,	This statement is also	
<i>'</i>	approved the terms of a	are improper legal	based on Mr. Constant's	
8	settlement with the	conclusions.	experience as set forth	
	Federated unions at its		in paragraphs 1 through	
9	December 15, 2015		9 of his Declaration in	
10	meeting and authorized		Support of Application	
	the City Manager to		to Intervene. (Evid. Code §§ 720 and 801.)	
11	negotiate and execute a		20d0 33 720 and 001.)	
12	Retirement Memorandum			
12	of Agreement between			
13	the City and Federated Bargaining Units. (City			
	of San Jose, City Council			,
14	Agenda, December 15,			
15	2015 Synopsis, p. 13, Ex.			
ŀ	8 to RJN.) In the			
16	Federated Alternative			
17	Pension Reform			
	Settlement Framework			
18	summary, the City			
19	disclosed that once a			
	global settlement is			
20	reached, the quo warranto			
21	process would begin in			
21	court, which the City			
22	characterized as "a legal			
	proceeding used to			
23	overturn a ballot measure			
24	post-			
	election". (Federated			
25	Alternative Pension Reform Settlement			
26	Framework Agreement –			
۷	Executive Summary,			
27	dated February 24, 2016			THIRTH
	(City of San Jose), p. 1,			
28	Ex. 9 to RJN.) The			
	150. 7 10 1011.7 1110			

1	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
	TO			
2	summary indicates the			
	quo warranto process has			
3	not yet begun pending			
4	ongoing negotiations, and			
	further states, "The parties will agree upon			
5	and submit a factual			
6	stipulation and stipulated			
٥	judgment in the quo			
7	warranto case finding that			
	Measure B is			
8	invalid." (<i>Ibid.</i>) To my			
9	knowledge, and based on			
ا	the public representations			
10	of the City, the quo			
	warranto process has not			
11	yet begun, and the			
12	proposed stipulation and			
	proposed judgment have			
13	not yet been finalized or			
14	made public, as was			
-7	represented to this Court			
15	at the Case Management			
	Conference in this matter			
16	on February 18, 2016. I			
17	am also informed and			
	believe the City and			
18	SJPOA are planning for			
19	the intervention of the			
	Local 230 union in this			
20	action. (Addendum #2 to			
	July 15, 2015 Alternative			
21	Pension Reform			
22	Settlement Framework			
	Between the City of San			
23	Jose and the San Jose			
24	Police Officers'			
	Association (POA), The			
25	International Association			
0.6	of Firefighters, Local 230			
26	(IAFF); Proposed Quo			
27	Warranto Implementation Plan, August 14, 2015			
	(Attachment B to the			
28	August 17, 2015			
	August 17, 2015		L	

	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
1	TO	GROONDS	ACCOLOTABLE	COLINO
2	Supplemental			
-	Memorandum), p. 1, Ex.			
3	4 to RJN). When I			
4	became aware that the			
۲	quo warranto process had			
5	not yet begun, but certain			
6	contingencies have been eliminated, I secured and			
١ ١	met with legal counsel in			
7	January and February			
8	2016 to likewise seek			
١١ ،	intervention in support of			
9	the City of San Jose's			
10	defense of Measure B."			17.00
10				
11	11. Hinkle Decl., ¶ 2: "SVTA	D. 1. (E. 13	mi · ·	
12	is a long standing non-	Relevance (Evidence Code § 350)	This statement is relevant to SVTA's	Overruled:
**	profit organization with		interest in this litigation	Overruled.
13	numerous functions, such	SVTA's backing of Measure B arose after	and settlement between	
14	as protecting the rights	Measure B was placed on	the Parties. A judgment	Constained
	and interests of taxpayers	the ballot. The present	invalidating Measure B will directly harm	Sustained
15	against government over-	lawsuit seeks a	SVTA's members who	
16	spending, including for	determination of whether Measure B was	are voters, residents, and	Grounds:
	pension and retirement benefits. SVTA's	permissibly placed on the	taxpayers. Evid. Code §§ 210 and 350.	
17	political action committee	ballot in the first place or		
18	was primarily formed to	whether doing so violated the Meyers-	This statement is based on Mr. Hinkle's	
	support Measure B, City	Milias-Brown Act	personal knowledge, as	
19	of San Jose's "The	("MMBA"), Government	a President of SVTA.	
20	Sustainable Retirement	Code section 3500 et seq.	(Evid. Code §§ 403, 701	
	Benefits and	If it was not validly placed on the ballot, and	and 801.)	i i
21	Compensation Act," at the	because SVTA is not	This statement is also based on Mr. Hinkle's	
22	June 5, 2012 election.	covered by the MMBA,	experience as set forth	
	SVTA's political committee was one of	SVTA can have no legally-cognizable	in paragraph 1 of SVTA	
23	only two such committees	interest in the outcome of	Declaration in Support	
24	primarily formed to	this matter. As such, its	of Application to Intervene. (Evid. Code	
	support Measure B. To	backing of Measure B is	§§ 720 and 801.)	
25	my knowledge, SVTA has	irrelevant.		
26	never before formed a			
	political committee	Lack of Foundation		
27	primarily to support a	(Evidence Code § 400 et		
28	particular ballot measure	seq.) and Lack of Personal Knowledge		
	but did so in the case of	I SIGNIMI KRIIOHICUSC		

MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULI
Measure B because of the centrality of that measure to the core purpose of the organization."	(Evidence Code § 702) No foundation or stated basis for personal knowledge is provided for the statement that "SVTA has never before formed a political committee primarily to support a particular ballot measure."		
12. Hinkle Decl., ¶ 3: "SVTA's membership includes residents and voters in the City of San Jose who supported and voted for Measure B, and who have a direct interest in this matter as described in more detail below."	Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's post-ballot placement backing of Measure B. Lack of Foundation (Evidence Code § 400 et seq.) and Lack of Personal Knowledge (Evidence Code § 702) No foundation or stated basis for personal knowledge is provided for the statement.	This statement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement between the Parties. A judgment invalidating Measure B will directly harm SVTA's members who are voters, residents, and taxpayers. Evid. Code §§ 210 and 350. This statement is based on Mr. Hinkle's personal knowledge, as a President of SVTA. (Evid. Code §§ 403, 701 and 801.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.)	Overrul Sustaine
13. Hinkle Decl., ¶ 4: "SVTA officially endorsed a "yes" vote on Measure B. SVTA also raised \$45,000 in support of Measure B."	Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's post-ballot placement backing of Measure B.	This statement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement between the Parties. A judgment invalidating Measure B will directly harm SVTA's members	Overrul Sustain

MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
		who are voters, residents, and taxpayers. Evid. Code §§ 210 and 350.	
14. Hinkle Decl., ¶ 5: "In addition to raising campaign money in support of Measure B, SVTA actively campaigned for Measure B. Before the election in June 2012, SVTA held monthly "Taxpayer Toolkit" meetings where SVTA discussed the benefits of Measure B to the City's economy with taxpayers and voters of San Jose. SVTA also sent email blasts to its members and donors within SVTA database in support of Measure B."	Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's post-ballot placement backing of Measure B.	This statement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement between the Parties. A judgment invalidating Measure B will directly harm SVTA's members who are voters, residents, and taxpayers. Evid. Code §§ 210 and 350.	Overruled Sustained Grounds:
15. Hinkle Decl., ¶ 6: "SVTA's then president, John Roeder, had a constituent meeting with Mayor Chuck Reed and one separately with City Council Member Peter Constant to discuss the need for and benefits of Measure B."	Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's post-ballot placement backing of Measure B. Lack of Foundation (Evidence Code § 400 et seq.) and Lack of Personal Knowledge (Evidence Code § 702) No foundation or stated basis for personal knowledge is provided for the statement.	This statement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement between the Parties. A judgment invalidating Measure B will directly harm SVTA's members who are voters, residents, and taxpayers. Evid. Code §§ 210 and 350. This statement is based on Mr. Hinkle's personal knowledge, as a President of SVTA. (Evid. Code §§ 403, 701 and 801.) This statement is also	Overruled Sustained Grounds:

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
2			experience as set forth in paragraph 1 of SVTA	
3			Declaration in Support of Application to Intervene. (Evid. Code	
4 5			§§ 720 and 801.)	
6	16. Hinkle Decl., ¶ 7: "Mr. Roeder also signed the	Relevance (Evidence Code § 350)	This statement is relevant to SVTA's	Overruled:
7	ballot argument in favor of Measure B, on behalf	See objection above concerning the	involvement in Measure B and its interest in this	
8	of the SVTA."	irrelevance of SVTA's post-ballot-placement	litigation and settlement between the Parties. A	□ Sustained
9		backing of Measure B. Lack of Foundation	judgment invalidating Measure B will directly harm SVTA's members	Grounds:
11		(Evidence Code § 400 et seq.) and Lack of	who are voters, residents, and taxpayers.	
12		Personal Knowledge (Evidence Code § 702)	Evid. Code §§ 210 and 350.	
13		No foundation or stated basis for personal	This statement is based on Mr. Hinkle's	
14		knowledge is provided for the statement.	personal knowledge, as a President of SVTA. (Evid. Code §§ 403, 701	
16			and 801.) This statement is also	
17			based on Mr. Hinkle's experience as set forth	
18			in paragraph 1 of SVTA Declaration in Support	
19			of Application to Intervene. (Evid. Code §§ 720 and 801.)	
20	17. Hinkle Decl., ¶ 8: "SVTA			
22	members believe that the City's increased	Relevance (Evidence Code § 350)	This statement is relevant to SVTA's involvement in Measure	Overruled:
23	retirement obligations	See objection above concerning the	B and its interest in this	m
24	have been causing service cuts throughout the City	irrelevance of SVTA's post-ballot-placement	litigation and settlement between the Parties. A judgment invalidating	Sustained
25	of San Jose and creating unsustainable and	backing of Measure B. Lack of Foundation	Measure B will directly harm SVTA's members	Grounds:
26	impossible-to-fund liabilities for the City's	(Evidence Code § 400 et seq.) and Lack of	who are voters, residents, and taxpayers.	Orounus.
27	taxpayers."	Personal Knowledge (Evidence Code § 702)	Evid. Code §§ 210 and 350.	
28		No foundation or stated	This statement is based	

improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code § 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's involvement in Measure B and its interest in this litigation and settlement	
knowledge is provided for the statement. Improper Opinion (Evidence Code § 800 et seq.) The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is notherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.)	
Improper Opinion (Evidence Code § 800 et seq.) The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code § 800 et seq.; 310 et seq.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code § 800 et seq.; 310 et seq.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code § 370 and 801.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code § 370 and 801.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code § 370 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA is experience as set forth in paragraph 1 of SVTA is experience as set forth in paragraph 1 of SVTA is experience as set forth in paragraph 1 of SVTA is experience as set forth in paragraph 2 of SVTA is experience as set forth in paragraph 2 of SVTA is experience as set forth in paragraph 2 of SVTA is experience as set forth in paragraph 2 of SVTA is experience as set forth in paragraph 2 of SVTA	
The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. The statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.)	
This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is also based on Mr. Hinkle's experience as set forth in paragraph 1 of SVTA Declaration in Support of Application in Sup	
The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA and its members are inadmissible. The opinion or beliefs of SVTA because it is on the form of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) This statement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement in the statement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
SVIA and its memoers are inadmissible. in paragraph 1 of SVTA Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.)	
Declaration in Support of Application to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among to see objection above concerning the irrelevance of SVTA's involvement in Measure B and its interest in this litigation and settlement	
Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶9: "Measure B was designed to protect the City's employees, residents and voters who are among to protect the City's employees, residents and voters who are among the irrelevance of SVTA's involvement in Measure B and its interest in this litigation and settlement	
Testimony does not constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code § 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's litigation and settlement	
constitute a legal conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code § 8 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among the irrelevance of SVTA's litigation and settlement is real evant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
conclusion or an improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code § 8 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among the irrelevance of SVTA's litigation and settlement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
because it is in the form of an opinion that is otherwise admissible. (Evid Code § 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among to the concerning the irrelevance of SVTA's litigation and settlement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
of an opinion that is otherwise admissible. (Evid Code § 800 et seq.; 310 et seq.) 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among to the concerning the irrelevance of SVTA's litigation and settlement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
13 14 15 18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among to the concerning the irrelevance of SVTA's litigation and settlement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among to protect who are among the irrelevance of SVTA's litigation and settlement is relevant to SVTA's involvement in Measure B and its interest in this litigation and settlement	
18. Hinkle Decl., ¶ 9: "Measure B was designed to protect the City's employees, residents and voters who are among Relevance (Evidence Code § 350) See objection above concerning the irrelevance of SVTA's litigation and settlement	
"Measure B was designed to protect the City's employees, residents and voters who are among to protect the City's employees, residents and voters who are among the irrelevance of SVTA's litigation and settlement	
to protect the City's employees, residents and voters who are among to protect the City's See objection above concerning the irrelevance of SVTA's litigation and settlement	
employees, residents and voters who are among concerning the irrelevance of SVTA,	Overruled:
voters who are among irrelationed of SVTA; Itigation and settlement	
hetween the Parties A	│ □ │ Sustained
18 Massure Palso post-ballot-placement judgment invalidating	
empowered SVTA Lack of Foundation Measure B will directly harm SVTA's members	Grounds:
members who are the (Evidence Code § 400 et) who are voters,	5.0 0.1.00.
City of San Jose voters to approve future retirement seq.) and Lack of Personal Knowledge residents, and taxpayers. Evid. Code §§ 210 and	
benefit increases. SVTA (Evidence Code § 702)	
members believe that No foundation or stated This statement is based	
Measure B will ensure basis for personal on Mr. Hinkle's that the City can provide knowledge is provided personal knowledge, as	
reasonable and for the statement. a President of SVTA.	
sustainable post- Improper Opinion (Evid. Code §§ 403, 701)	
employment benefits (Evidence Code § 800 et This statement is also	
services to the City's The opinion or beliefs of based on Mr. Hinkle's	
residents. Invalidation of SVTA and its members experience as set form	
Measure B will eliminate are inadmissible. In paragraph 1 of 3 V 1A Declaration in Support	
San Jose voters' power to Improper Legal of Application to	

1	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
2	approve future retirement benefit increases."	Conclusion (Evidence Code § 310 et seq.)	Intervene. (Evid. Code §§ 720 and 801.)	
3	benefit mereases.	Statements concerning	,	
4		the legal effect of Measure B or its	Testimony does not constitute a legal	
5		invalidation are improper legal conclusions.	conclusion or an improper opinion	
6			because it is in the form of an opinion that is	
7			otherwise admissible. (Evid Code §§ 800 <i>et</i>	
8			seq.; 310 et seq.)	
9	19. Hinkle Decl., ¶ 10: "SVTA's members voted	Relevance (Evidence Code § 350)	This statement is relevant to SVTA's	□ Overruled:
10	for and supported Measure B because it will	See objection above concerning the	involvement in Measure B and its interest in this	
12	require any future retirement benefit	irrelevance of SVTA's post-ballot-placement	litigation and settlement between the Parties. A judgment invalidating	□ Sustained
13	increases to be approved by the voters."	backing of Measure B.	Measure B will directly	
14	by the voters.	Lack of Foundation (Evidence Code § 400 et seq.) and Lack of	harm SVTA's members who are voters, residents, and taxpayers.	Grounds:
15		Personal Knowledge (Evidence Code § 702)	Evid. Code §§ 210 and 350.	
16		No foundation or stated basis for personal knowledge is provided	This statement is based on Mr. Hinkle's personal knowledge, as	
18		for the statement.	a President of SVTA. (Evid. Code §§ 403, 701	
19		Improper Opinion (Evidence Code § 800 et	and 801.)	
20		seq.) The opinion or beliefs of	This statement is also based on Mr. Hinkle's	
21		SVTA and its members are inadmissible.	experience as set forth in paragraph 1 of SVTA	
22		Improper Legal Conclusion (Evidence	Declaration in Support of Application to Intervene. (Evid. Code	
23		Code § 310 et seq.)	§§ 720 and 801.)	
24		Statements concerning the legal effect of	Testimony does not	
26		Measure B or its invalidation are improper legal conclusions.	constitute a legal conclusion or an improper opinion	
27		legai conclusions.	because it is in the form of an opinion that is	
28			otherwise admissible. (Evid Code §§ 800 et	

Ш	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
	TO		210	
			seq.; 310 et seq.)	
	20. Haug Decl., ¶ 5: "I serve as the treasurer for the	Relevance (Evidence Code § 350)	This statement is relevant to Mr. Haug's	□ Overruled
	Silicon Valley Taxpayers Association ("SVTA"). I	Mr. Haug's backing of Measure B arose after	involvement in Measure B and his interest in this	
	have experience in finance and accounting from	Measure B was placed on the ballot. The present	litigation and settlement between the Parties. A judgment invalidating	Sustained
	working on financial software projects and	lawsuit seeks a determination of whether	Measure B will directly harm Mr. Haug who is a	Grounds:
	performing accounting for my personal business.	Measure B was permissibly placed on the	voter, resident, and taxpayer. Evid. Code §§	
-	This experience assisted me in understanding	ballot in the first place or whether doing so violated the Meyers-	210 and 350. This statement is based	
	financial benefits of Measure B, "The	Milias-Brown Act ("MMBA"), Government	on Mr. Haug's personal knowledge, as a San	
	Sustainable Retirement Benefits and	Code section 3500 et seq. If it was not validly	Jose voter, resident, and taxpayer. (Evid. Code	
	Compensation Act", to the City of San Jose."	placed on the ballot, and because Mr. Haug is not	§§ 403, 701 and 801.) This statement is also	
	City of San 30sc.	covered by the MMBA, he can have no legally-	based on Mr. Haug's experience as set forth	
		cognizable interest in the outcome of this matter. As such, his backing of	in paragraphs 1 through 5 of Haug Declaration in	
-		Measure B after it was placed on the ballot is irrelevant.	Support of Application to Intervene. (Evid. Code §§ 720 and 801.)	
		Improper Opinion (Evidence Code § 800 et	Testimony does not	
		seq.)	constitute a legal conclusion or an	
		The opinion or beliefs of Mr. Haug are inadmissible.	improper opinion because it is in the form of an opinion that is	
		Improper Legal Conclusion (Evidence	otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.)	
		Code § 310 et seq.)	224., 2.2 0. 004.)	
		Statements concerning the legal effect of Measure B or its		
***************************************		invalidation are improper legal conclusions		
	01 11 1 47 6 47			
	21. Haug Decl., ¶ 6: "I supported Measure B. As a registered voter of	Relevance (Evidence Code § 350) See objection above	This statement is relevant to Mr. Haug's involvement in Measure	Overruled

1	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
2	San Jose, I voted for the passage of Measure B on	concerning the irrelevance of Mr.	B and his interest in this litigation and settlement	
3	June 5, 2012. As a registered voter of San	Haug's post-ballot- placement backing of	between the Parties. A judgment invalidating	Sustained
4	Jose, I benefited in a	Measure B. Lack of Foundation	Measure B will directly harm Mr. Haug who is a	Grounds:
5	direct way from passage of Measure B. Section 1504-A of Measure B	(Evidence Code § 400 et seq.) and Lack of	voter, resident, and taxpayer. Evid. Code §§ 210 and 350.	
7	empowered me and all	Personal Knowledge (Evidence Code § 702)	This statement is based	
8	San Jose voters to approve future increases	No foundation or stated basis for personal	on Mr. Haug's personal knowledge, as a San	
9	in retiree payments and health benefits"	knowledge is provided for the statement.	Jose voter, resident, and taxpayer. (Evid. Code §§ 403, 701 and 801.)	
10		Improper Opinion (Evidence Code § 800 et seq.)	This statement is also based on Mr. Haug's	
11		The opinion or beliefs of	experience as set forth in paragraphs 1 through	The second secon
13		Mr. Haug are inadmissible.	5 of Haug Declaration in Support of Application	
14		Improper Legal Conclusion (Evidence Code § 310 et seq.)	to Intervene. (Evid. Code §§ 720 and 801.)	
15		Statements concerning	Testimony does not constitute a legal	
16		the legal effect of Measure B or its invalidation are improper	conclusion or an improper opinion	
18		legal conclusions.	because it is in the form of an opinion that is	
19			otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.)	
20	22. Haug Decl., ¶ 7: "Measure	Relevance (Evidence	This statement is	
21	B was approved by a majority of San Jose	Code § 350)	relevant to Mr. Haug's involvement in Measure	Overruled:
22	voters. I believe without Measure B, rising pension	See objection above concerning the	B and his interest in this litigation and settlement	
23	costs will be passed down	irrelevance of Mr. Haug's post-ballot-	between the Parties. A judgment invalidating	Sustained
25	to taxpayers, including me, or City services to its	placement backing of Measure B.	Measure B will directly harm Mr. Haug who is a	Grounds:
26	residents will continue to be curtailed to support	Lack of Foundation (Evidence Code § 400 et	voter, resident, and taxpayer. Evid. Code §§	
27	increasing pension costs. Also, if Measure B is	seq.) and Lack of Personal Knowledge	210 and 350. This statement is based	
28	invalidated, I will be deprived of the express	(Evidence Code § 702) No foundation or stated	on Mr. Haug's personal knowledge, as a San	
	deprived of the express	140 Toundation of Stated	Miowicuge, as a saii	L

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
2	authority granted to me and other San Jose voters	basis for personal knowledge is provided for the statement.	Jose voter, resident, and taxpayer. (Evid. Code §§ 403, 701 and 801.)	
3	to approve increases in pension and retiree	Improper Opinion (Evidence Code § 800 et	This statement is also based on Mr. Haug's	
5	healthcare benefits."	seq.)	experience as set forth in paragraphs 1 through	
6		The opinion or beliefs of Mr. Haug are inadmissible.	5 of Haug Declaration in Support of Application to Intervene. (Evid.	
7		Improper Legal Conclusion (Evidence	Code §§ 720 and 801.)	
9		Code § 310 et seq.) Statements concerning	Testimony does not constitute a legal	
10		the legal effect of Measure B or its	conclusion or an improper opinion because it is in the form	
11		invalidation are improper legal conclusions.	of an opinion that is otherwise admissible.	
12			(Evid Code §§ 800 et seq.; 310 et seq.)	
14	23. Haug Decl., ¶ 8: "I also	Relevance (Evidence	This statement is	
15	believe that without Measure B the residents	Code § 350) See objection above	relevant to Mr. Haug's involvement in Measure	Overruled:
16	of San Jose, such as myself, will face higher	concerning the irrelevance of Mr.	B and his interest in this litigation and settlement between the Parties. A	□ Sustained
17	city costs and reduced services as city funds are	Haug's post-ballot- placement backing of Measure B.	judgment invalidating Measure B will directly	Sustanicu
19	shifted from important city services to pay for	Lack of Foundation	harm Mr. Haug who is a voter, resident, and	Grounds:
20	increased pension and related employee and	(Evidence Code § 400 et seq.) and Lack of	taxpayer. Evid. Code §§ 210 and 350.	
21	retiree costs. Measure B will lessen the pressure on	Personal Knowledge (Evidence Code § 702)	This statement is based on Mr. Haug's personal	
22	the City's finances."	No foundation or stated basis for personal	knowledge, as a San Jose voter, resident, and	
23		knowledge is provided for the statement.	taxpayer. (Evid. Code §§ 403, 701 and 801.)	
24		Improper Opinion (Evidence Code § 800 et	This statement is also based on Mr. Haug's	
26		The opinion or beliefs of	experience as set forth in paragraphs 1 through 5 of Haug Declaration in	
27		Mr. Haug are inadmissible.	Support of Application to Intervene. (Evid.	
28		Improper Legal Conclusion (Evidence	Code §§ 720 and 801.)	

4	MATERIAL OBJECTED	GROUNDS	RESPONSE	RULING
1	TO	Code § 310 et seq.)		
2 3		Statements concerning the legal effect of Measure B or its	Testimony does not constitute a legal conclusion or an	
4 5		invalidation are improper legal conclusions.	improper opinion because it is in the form	
6			of an opinion that is otherwise admissible. (Evid Code §§ 800 et	
7			seq.; 310 et seq.)	
8	24. Haug Decl., ¶ 9: "I believe the settlement framework	Relevance (Evidence Code § 350)	This statement is relevant to Mr. Haug's	Overruled:
9	modifying Measure B, as	See objection above	involvement in Measure B and his interest in this	Overruleu.
10	well as any judgment nullifying Measure B,	concerning the irrelevance of Mr.	litigation and settlement between the Parties. A	□ Sustained
11	would personally harm me as a voter of San Jose by	Haug's post-ballot- placement backing of	judgment invalidating Measure B will directly	Sustained
12	nullifying my constitutional right to vote	Measure B. Lack of Foundation	harm Mr. Haug who is a voter, resident, and	Grounds:
13	and join with other like- minded voters to enact	(Evidence Code § 400 et seq.) and Lack of	taxpayer. Evid. Code §§ 210 and 350.	
14	Measure B pension reforms. As a resident of	Personal Knowledge (Evidence Code § 702)	This statement is based	
16	San Jose, I have a direct and personal interest in ensuring the City directs	No foundation or stated basis for personal knowledge is provided for the statement.	on Mr. Haug's personal knowledge, as a San Jose voter, resident, and taxpayer. (Evid. Code §§ 403, 701 and 801.)	
18	its limited resources to essential services and	Improper Opinion	This statement is also	
19	maintains its fiscal viability free from	(Evidence Code § 800 et seq.)	based on Mr. Haug's experience as set forth	
20	increased pension obligations."	The opinion or beliefs of Mr. Haug are	in paragraphs 1 through 5 of Haug Declaration in	
21	, , , , , , , , , , , , , , , , , , ,	inadmissible.	Support of Application to Intervene. (Evid.	
22		Improper Legal Conclusion (Evidence	Code §§ 720 and 801.)	
23		Code § 310 et seq.) Statements concerning	Testimony does not constitute a legal	
24		the legal effect of Measure B or its	conclusion or an improper opinion	
25		invalidation are improper legal conclusions.	because it is in the form of an opinion that is	
26		regai conclusions.	otherwise admissible.	
27			(Evid Code §§ 800 et seq.; 310 et seq.)	
28				

1	MATERIAL OBJECTED TO	GROUNDS	RESPONSE	RULING
1 2 3 4 5 6 7 8		Relevance (Evidence Code § 350) See objection above concerning the irrelevance of Mr. Haug's post-ballot-placement backing of Measure B. Lack of Foundation (Evidence Code § 400 et seq.) and Lack of Personal Knowledge	This statement is relevant to Mr. Haug's involvement in Measure B and his interest in this litigation and settlement between the Parties. A judgment invalidating Measure B will directly harm Mr. Haug who is a voter, resident, and taxpayer. Evid. Code §§ 210 and 350.	Overruled: Sustained Grounds:
9 10 11	limited retirement benefits I receive and could make it impossible for me to be able to afford my home. I voted for Measure B so	(Evidence Code § 702) No foundation or stated basis for personal knowledge is provided for the statement.	This statement is based on Mr. Haug's personal knowledge, as a San Jose voter, resident, and taxpayer. (Evid. Code §§ 403, 701 and 801.)	
12 13 14	that San Jose residents and voters like myself are authorized to approve pension increases."	Improper Opinion (Evidence Code § 800 et seq.) The opinion or beliefs of Mr. Haug are	This statement is also based on Mr. Haug's experience as set forth in paragraphs 1 through 5 of Haug Declaration in Support of Application	
15 16 17		inadmissible. Improper Legal Conclusion (Evidence Code § 310 et seq.) Statements concerning	to Intervene. (Evid. Code §§ 720 and 801.) Testimony does not constitute a legal conclusion or an	
18 19 20	,	the legal effect of Measure B or its invalidation are improper legal conclusions.	improper opinion because it is in the form of an opinion that is otherwise admissible. (Evid Code §§ 800 et seq.; 310 et seq.)	
21	DATED:	DATED		015
23	NIELSEN MERKSAMER PA GROSS & LEONI, LLP By Marguente MARGUERITE MAR	RRINELLO LOUNS PEAK, By: Y LEONI	SBERY FERGUSON ALTO LLP KENNETH M. LOUNSBE	
25262728	CHRISTOPHER E. SI JAMES W. CAR Attorneys for Intervenor, PETI	SON ER CONSTANT Attorne and SIL	JAMES P. LOUGH ALENA SHAMOS YANA L. RIDGE ys for Intervenors, STEVEN JICON VALLEY TAXPAY	
۵۷	DDODOCED INTO	ASSOC 22 PERVENORS' DESPONSE TO EVI	DENTIARY OF IECTIONS	